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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,456	03/12/2004	Christopher A. Meek	MS149547.2 / MSFTP289USA	7701
27195 7590 10/07/2008 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER TAKELE, MESEKER	
			ART UNIT 2175	PAPER NUMBER
			NOTIFICATION DATE 10/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/799,456	<b>Applicant(s)</b> MEEK, CHRISTOPHER A.	
	<b>Examiner</b> MESEKER TAKELE	<b>Art Unit</b> 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This communication is responsive to the RCE Amendment filed 07/16/2008.
2. Claims 1, 3-9, 11-43 are pending in this application. Claims 1, 12, 27 and 43 are independent claims. In the instant Amendment, claims 1, 6, 12-16, 18, 19, 21-31, 39-41 and 43 were amended.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 3-9, 11-43 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kephart et al. ("Kephart" US PUB. NO.:2001/0042087) in view of Applicant's Admitted Prior Art (hereinafter "AAPA").

As per claim 1, Kephart discloses a method for assisting object organization comprising: initializing a plurality of attribute-specific lists, each list having a defined association with a different controlling attribute and having a plurality of entries corresponding to selectable actions to be performed on an object having the associated

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controlling attribute (paragraphs [0055-56], [0040-50] and Figure 2), the list ordered from a most recently performed action to a least recently performed action (paragraphs [0066-0069]);

invoking a first of the plurality of attribute-specific lists via a first object having a first controlling attribute, the first attribute-specific list associated with the first controlling attribute (Figure, 2 and paragraphs [0040-0050]);

selecting an action from the first attribute-specific list to be performed on the first object (paragraphs [0046- 0052]);

invoking a second of the plurality of attribute-specific lists via a second object having a second controlling attribute, the second attribute-specific list associated with the second controlling attribute (Figure, 2, paragraphs [0040-0050] and [0086]- [0088]); and

selecting an action from the second attribute-specific list to be performed on the second objection (paragraphs [0046- 0052].

Kephart teaches substantial features of the claimed invention, however he does not explicitly teach (a) reordering the first of the plurality of attribute-specific lists in accordance with the selected action, the reordering of the first of the plurality of attribute-specific lists is performed independently of the remaining attribute-specific lists. (b) reordering the second of the plurality of attribute-specific lists in accordance with the selected action, the reordering of the second of the plurality of attribute-specific lists is performed independently of the remaining attribute-specific lists.

This feature is well known in the art and would have been obvious to modify the teaching of Kephart with AAPA.

AAPA teaches (a) reordering the first of the plurality of attribute-specific lists in accordance with the selected action, the reordering of the first of the plurality of attribute-specific lists is performed independently of the remaining attribute-specific lists (paragraphs [0004-0005]). (b) Reordering the second of the plurality of attribute-specific lists in accordance with the selected action, the reordering of the second of the plurality of attribute-specific lists is performed independently of the remaining attribute-specific lists (paragraphs [0004-0005]).

Giving the teaching of AAPA, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Kephart et al by employing the email ordering system of AAPA so that email messages are organized in such a way of being able to locate a particular email message easily and quickly.

As to claim 3, Kephart discloses wherein each of the first object and the second object corresponds to an email (abstract).

As to claim 4, Kephart discloses wherein the controlling attribute of each of the first object and the second object corresponds to a sender of the email (paragraph [0074]).

As to claim 5, Kephart discloses wherein each of the first object and the second object corresponds to a file (abstract and paragraphs [0086-88]).

As to claim 6, Kephart discloses wherein the controlling attribute of each of the first object and the second object corresponds to a creator of the file (paragraphs [0086-88]).

As to claim 7, Kephart discloses wherein the action is movement to a folder (paragraphs [0042- 0043].

As to claim 8, Kephart discloses wherein the action is setting an object property (paragraphs 0046-52].

As to claim 9, AAPA discloses wherein the sort criterion is how recently the listed\_alternatives has have been performed (paragraph [0002 -005]).

As to claim 11, Kephart discloses wherein the method is performed by execution of a computer program by a processor from a computer-readable medium (paragraphs 0038]).

Claim 12 is similar in scope to claim 1, and is therefore rejected under similar rationale. Kephart further discloses updating a first of the attribute-specific lists based on an action performed on an object containing the attribute associated with the first of the attribute-specific lists, the update performed independently of the remaining lists in the set of attribute-specific lists (Figure 2 and paragraphs [0040-0050]); and displaying the

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updated attribute-specific list via a disparate object containing the same attribute (paragraphs 0046-48]).

As to claim 13, Kephart discloses the-selectable actions listed in the attribute-specific list comprising folders (Figure 5).

As to claim 14, Kephart discloses the attribute-specific lists initialized to be empty (paragraph [0048].

Claim 15 is similar in scope to claim 5, and is therefore rejected under similar rationale.

As to claim 16, Kephart discloses the set of attribute-specific lists initialized based on a controlling attribute (paragraphs [0048] and [0061-0065]).

Claim 17 is similar in scope to claim 6, and is therefore rejected under similar rationale.

As to claim 18, AAPA discloses wherein the controlling attribute is based on at least the recipient of the object (paragraph [0002]).

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As to claim 19, Kephart discloses further comprising sorting the attribute- specific lists based on at least one sort criterion (Figure 2, paragraphs [0040- 0050] and [0055- 0056]).

As to claim 20, Kephart disclose the sort criterion corresponds to a level of priority (paragraphs [0040-0044] and [0046- 0048]).

As to claim 21, Kephart discloses the sort criterion corresponds to a time at which the object having the associated attribute was subject to the action (Figure 2, paragraphs 0040- 0050]).

As to claim 22, Kephart discloses the sort criterion corresponds to a frequency to which the object having the associated attribute is subject to the action (paragraphs [0040-0044] and [0046- 0048]).

As to claim 23, Kephart discloses further comprising appending additional selectable actions to an existing attribute-specific list (paragraphs 0046-56]).

As to claim 24, Kephart discloses the action corresponds to movement of at least one object between attribute-specific lists (paragraphs 0042-43]).

Claim 25 is similar in scope to claim 3, and is therefore rejected under similar rationale.



As to claim 26, Kephart discloses wherein the action corresponds to setting a property on at least one object (paragraphs, [0046-0052]).

Claim 27 is similar in scope to claim 12, and is therefore rejected under similar rationale.

Claim 28 is similar in scope to claim 13, and is therefore rejected under similar rationale.

Claim 29 is similar in scope to claim 14, and is therefore rejected under similar rationale.

Claim 30 is similar in scope to claim 15, and is therefore rejected under similar rationale.

Claim 31 is similar in scope to claim 25, and is therefore rejected under similar rationale.

Claim 32 is similar in scope to claim 17, and is therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Claim 34 is similar in scope to claim 19, and is therefore rejected under similar rationale.

Claim 35 is similar in scope to claim 19, and is therefore rejected under similar rationale.

Claim 36 is similar in scope to claim 20, and is therefore rejected under similar rationale.

Claim 37 is similar in scope to claim 21, and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 22, and is therefore rejected under similar rationale.

As to claim 39, Kephart discloses, further comprising an appending component to append one or more additional entries to the plurality of attribute- specific lists (paragraphs [0046]-[0056]).

Claim 40 is similar in scope to claim 39, and is therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 24, and is therefore rejected under similar rationale.

Claim 42 is similar in scope to claim 26, and is therefore rejected under similar rationale.

Claim 43 is similar in scope to claim 27, and is therefore rejected under similar rationale. AAPA further disclose means for ordering the first of the attribute-specific lists based on the one or more ordering criteria, the ordering criteria is a function of the performed action (paragraph [0002], [0004] and [0005]).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 12, 27 and 43 in light of Kudoh et al., and Leonardos have been fully considered and are persuasive. Therefore, the Kudoh et al., and Leonardos references were removed. However, in light of AAPA, it is deemed that the arguments are not persuasive.

Applicant argues that AAPA, does not disclose attribute-specific lists associated with an object's controlling attribute.

The Examiner disagrees for the following reasons.

Per (a), Kephart in view of AAPA discloses attribute-specific lists associated with an object's controlling attribute (paragraphs [0055-56], [0040-50] and Figure 2).

As per the newly amended limitations, the Examiner believes that the teaching of the prior art as applied to the newly amended limitations are also being pointed in the rejection section above.

***Inquiry***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meseker Takele/  
Examiner, Art Unit 2175

/WILLIAM L. BASHORE/  
Supervisory Patent Examiner, Art Unit 2175